

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.: 2008-0309-MWD-E TCEQ ID: RN101515773 CASE NO.: 35423**  
**RESPONDENT NAME: AMC Facilities, LP**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> AMC Facilities WWTP, located adjacent to and on the east side of Hardy Road, approximately 1,000 feet south of the intersection of Hardy Road and Richey Road in Harris County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment system</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on June 16, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Andrew Hunt, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-1203; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Eric Ostrander, Registered Agent, AMC Facilities, LP, 18734 East Hardy Toll Road, Houston, Texas 77073  Mr. James McDevitt, Chief Operations Officer, AMC Facilities, LP, 18734 East Hardy Toll Road, Houston, Texas 77073  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None.</p> <p><b>Date of Investigations Relating to this Case:</b> November 29, 2007 through December 19, 2007 and February 20, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> February 4, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation and record review.</p> <p><b>WATER</b></p> <p>1) Failure to ensure that the Facility and all of its systems of treatment and control are properly operated and maintained. Specifically, the chlorine contact basin contained six inches of settled sludge [30 TEX. ADMIN. CODE § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012238001, Operational Requirements No. 1].</p> <p>2) Failure to maintain authorization for the discharge of wastewater. Specifically, the Respondent did not renew TPDES Permit No. WQ0012238001 by December 1, 2007, and is continuing to discharge wastewater from the Facility without authorization [TEX. WATER CODE § 26.121(a) and 30 TEX. ADMIN. CODE §§ 305.65 and 305.125(2)].</p> <p>3) Failure to secure the wastewater treatment plant. Specifically, during the investigation, the treatment unit was not fenced and did not contain hazard signs at all entry points [30 TEX. ADMIN. CODE § 317.7(e)].</p> <p>4) Failure to pay outstanding Consolidated Water Quality fees and associated late fees (TCEQ Account No. 23003304) for Fiscal Year 2008 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 21.4(e)].</p>	<p><b>Total Assessed:</b> \$4,770</p> <p><b>Total Deferred:</b> \$954  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid (Due) to General Revenue:</b> \$3,816</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:</p> <p>a. On December 24, 2007, removed 7,000 gallons of sludge from the chlorine contact basin and digester;</p> <p>b. On February 25, 2008, fenced the Facility and posted hazard signs at all entry points; and</p> <p>c. On February 26, 2008, submitted a permit application.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, until such time that authorization to operate is obtained, or until 180 days after the effective date of this Agreed Order, whichever is earlier, comply with the permit limits in expired TPDES Permit No. WQ0012238001;</p> <p>b. Within 30 days after the effective date of this Agreed Order, pay all outstanding fees, including any associated penalties and interest;</p> <p>c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing; and</p> <p>d. Within 180 days after the effective date of this Agreed Order, submit written certification that either authorization to operate has been obtained or that operation has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including</p>

		photographs, receipts, and/or other records to demonstrate compliance
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Additional ID No(s): WQ0012238001





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	11-Feb-2008	<b>Screening</b>	20-Feb-2008	<b>EPA Due</b>	
	<b>PCW</b>	20-Feb-2008				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	AMC Facilities, LP		
<b>Reg. Ent. Ref. No.</b>	RN101515773		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	35423	<b>No. of Violations</b>	4
<b>Docket No.</b>	2008-0309-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Enf. Coordinator</b>	Andrew Hunt
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$4,500

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 6% Enhancement **Subtotals 2, 3, & 7** \$270

Notes

An enhancement is recommended due to one unrelated NOV and two self-reported effluent violations.

**Culpability** No 0% Enhancement **Subtotal 4** \$0

Notes

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction **Subtotal 5** \$0

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement\*

**Subtotal 6** \$0

Total EB Amounts	\$170
Approx. Cost of Compliance	\$5,200

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$4,770

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** \$4,770

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$4,770

**DEFERRAL** 20% Reduction **Adjustment** -\$954

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$3,816

Screening Date 20-Feb-2008

Docket No. 2008-0309-MWD-E

PCW

Respondent AMC Facilities, LP

Policy Revision 2 (September 2002)

Case ID No. 35423

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101515773

Media [Statute] Water Quality

Enf. Coordinator Andrew Hunt

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 6%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

An enhancement is recommended due to one unrelated NOV and two self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 6%

<b>Screening Date</b> 20-Feb-2008	<b>Docket No.</b> 2008-0309-MWD-E	<b>PCW</b>
<b>Respondent</b> AMC Facilities, LP	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 35423	<small>PCW Revision January 29, 2008</small>	
<b>Reg. Ent. Reference No.</b> RN101515773		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Andrew Hunt		
<b>Violation Number</b> 1		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012238001, Operational Requirements No. 1	
<b>Violation Description</b>	Failed to ensure that the Facility and all of its systems of treatment and control are properly operated and maintained. Specifically, the chlorine contact basin contained six inches of settled sludge.	
<b>Base Penalty</b>		\$10,000

**>> Environmental, Property and Human Health Matrix**

		<b>Harm</b>			
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
OR	<b>Actual</b>				<b>Percent</b> 5%
	<b>Potential</b>			x	

**>> Programmatic Matrix**

		<b>Falsification</b>			
		<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
					<b>Percent</b> 0%

**Matrix Notes** Failure to maintain proper solids concentrations could expose human health or the environment to insignificant amounts of pollutants which would not exceed levels that are protective.

**Adjustment** \$9,500

**Violation Events**

Number of Violation Events	1	25	Number of violation days
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		<b>daily</b>			
<small>mark only one with an x</small>		<b>monthly</b>			<b>Violation Base Penalty</b> \$500
		<b>quarterly</b>			
		<b>semiannual</b>			
		<b>annual</b>			
		<b>single event</b>	x		

One single event is recommended based upon the date of investigation (11/29/2007)

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> \$3	<b>Violation Final Penalty Total</b> \$530
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$530	

**Economic Benefit Worksheet**

Respondent: AMC Facilities, LP  
Case ID No. 35423  
Reg. Ent. Reference No. RN101515773  
Media: Water Quality  
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$700	29-Nov-2007	24-Dec-2007	0.1	\$0	\$3	\$3
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to remove sludge from chlorine contact basin. The date required is the investigation date. The final date is the date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$700

TOTAL

\$3



Screening Date 20-Feb-2008

Docket No. 2008-0309-MWD-E

PCW

Respondent AMC Facilities, LP

Policy Revision 2 (September 2002)

Case ID No. 35423

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101515773

Media [Statute] Water Quality

Enf. Coordinator Andrew Hunt

Violation Number 2

Rule Cite(s) Tex. Water Code § 26.121(a) and 30 Tex. Admin. Code §§ 305.65 and 305.125(2)

**Violation Description** Failed to maintain authorization for the discharge of wastewater. Specifically, the Respondent did not renew TPDES Permit No. WQ0012238001 by December 1, 2007, and is continuing to discharge wastewater from the Facility without authorization.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 3

81 Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,000

Three monthly events are recommended from date of permit expiration (12/01/2007) to screening date (2/20/2008).

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$125

Violation Final Penalty Total \$3,180

This violation Final Assessed Penalty (adjusted for limits) \$3,180

**Economic Benefit Worksheet**

Respondent AMC Facilities, LP  
Case ID No. 35423  
Reg. Ent. Reference No. RN101515773  
Media Water Quality  
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$2,000	1-Dec-2007	28-Feb-2009	1.2	\$125	n/a	\$125
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to prepare and submit a new permit application to obtain authorization to discharge wastewater.  
Date required is the date the previous permit expired. Final date is the expected date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$2,000

TOTAL

\$125

<b>Screening Date</b> 20-Feb-2008 <b>Respondent</b> AMC Facilities, LP <b>Case ID No.</b> 35423 <b>Reg. Ent. Reference No.</b> RN101515773 <b>Media [Statute]</b> Water Quality <b>Enf. Coordinator</b> Andrew Hunt <b>Violation Number</b> 3 <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 317.7(e)  <b>Violation Description</b> Failed to secure the wastewater treatment plant. Specifically, during the investigation, the treatment unit was not fenced and did not contain hazard signs at all entry points.	<b>Docket No.</b> 2008-0309-MWD-E <b>PCW</b> <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision January 29, 2008</i>																			
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	Major	Moderate	Minor																	
Falsification				<b>Percent</b> 0%																
<b>Matrix Notes</b>	Human health or the environment will or could be exposed to significant amounts of pollutants as a result of the violation.																			
<b>Adjustment</b> \$9,000																				
\$1,000																				
<b>Violation Events</b>																				
<table style="width: 100%;"> <tr> <td style="width: 40%;"> <b>Number of Violation Events</b> 1         </td> <td style="width: 20%; text-align: center;">83</td> <td style="width: 40%;"> <b>Number of violation days</b> </td> </tr> </table>		<b>Number of Violation Events</b> 1	83	<b>Number of violation days</b>																
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quarterly	x																			
semiannual																				
annual																				
single event																				
<b>Violation Base Penalty</b> \$1,000																				
One quarterly event is recommended based upon the date of investigation (11/29/2007) to the date of screening (2/20/2008).																				
<b>Economic Benefit (EB) for this violation</b>																				
<b>Statutory Limit Test</b>																				
<b>Estimated EB Amount</b> \$42	<b>Violation Final Penalty Total</b> \$1,060																			
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$1,060																				

## Economic Benefit Worksheet

Respondent AMC Facilities, LP  
 Case ID No. 35423  
 Reg. Ent. Reference No. RN101515773  
 Media Water Quality  
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$2,500	29-Nov-2007	26-Feb-2008	0.2	\$2	\$40	\$42
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to fence and provide hazard signs for the treatment system. Date required is the date of investigation. Final Date is the date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$42

<b>Screening Date</b> 20-Feb-2008	<b>Docket No.</b> 2008-0309-MWD-E	<b>PCW</b>
<b>Respondent</b> AMC Facilities, LP	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 35423	<small>PCW Revision January 29, 2008</small>	
<b>Reg. Ent. Reference No.</b> RN101515773		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Andrew Hunt		
<b>Violation Number</b>	4	
<b>Rule Cite(s)</b>	Tex. Water Code § 5.702 and 30 Tex. Admin. Code § 21.4(e)	
<b>Violation Description</b>	Failed to pay outstanding Consolidated Water Quality fees and associated late fees (TCEQ Account No. 23003304) for Fiscal Year 2008.	
<b>Base Penalty</b>		\$10,000

**>> Environmental, Property and Human Health Matrix**

OR		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	<b>Percent</b> <input type="text" value="0%"/>				

<b>Matrix Notes</b>	N/A
---------------------	-----

<b>Adjustment</b>	\$10,000
\$0	

**Violation Events**

Number of Violation Events <input type="text"/>	Number of violation days <input type="text"/>
---	---

<small>mark only one with an x</small>	daily	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	

<b>Violation Base Penalty</b>	\$0
-------------------------------	-----

Overdue fees will be assessed at next billing cycle.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$0"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$0"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$0"/>	

**Economic Benefit Worksheet**

Respondent AMC Facilities, LP  
Case ID No. 35423  
Reg. Ent. Reference No. RN101515773  
Media Water Quality  
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

N/A

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

# Compliance History

Customer/Respondent/Owner-Operator: CN603170945 AMC Facilities, LP Classification: AVERAGE Rating: 0.41  
 Regulated Entity: RN101515773 AMC FACILITIES WWTP Classification: AVERAGE Site Rating: 0.41

ID Number(s): WASTEWATER PERMIT WQ0012238001  
 WASTEWATER PERMIT TPDES0083836  
 WASTEWATER PERMIT TX0083836  
 WASTEWATER LICENSING LICENSE WQ0012238001

Location: Located adjacent to and on the east side of Hardy Road, Rating Date: 9/1/2007 Repeat Violator: NO  
 approximately 1000 feet south of the intersection of  
 Hardy Road and Richey Road in Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: February 11, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 11, 2003 to February 11, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Andrew Hunt Phone: 512-239-1203

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner?  
 AMC Facilities,  
 LP
4. If Yes, who was/were the prior owner(s)?  
 333 Construction Inc.
5. When did the change(s) in ownership occur?  
 07/19/2006

## Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
 N/A

B. Any criminal convictions of the state of Texas and the federal government.  
 N/A

C. Chronic excessive emissions events.  
 N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 02/27/2003 (206832)
- 2 03/21/2003 (206835)
- 3 05/23/2003 (316075)
- 4 07/18/2003 (316076)
- 5 09/10/2003 (316077)
- 6 09/15/2003 (316078)
- 7 10/24/2003 (316080)
- 8 11/24/2003 (316081)
- 9 12/19/2003 (316082)
- 10 01/26/2004 (316083)
- 11 02/23/2004 (316074)
- 12 05/03/2004 (360723)
- 13 05/24/2004 (360724)
- 14 06/21/2004 (360725)
- 15 07/23/2004 (360726)





16	08/24/2004	(360727)
17	09/20/2004	(360728)
18	10/25/2004	(386719)
19	12/20/2004	(386720)
20	01/25/2005	(386721)
21	01/31/2005	(342608)
22	02/22/2005	(386718)
23	04/01/2005	(424540)
24	04/22/2005	(424543)
25	05/31/2005	(424544)
26	06/23/2005	(424546)
27	06/27/2005	(449417)
28	06/30/2005	(445280)
29	07/06/2005	(424541)
30	07/06/2005	(424542)
31	07/06/2005	(424545)
32	07/06/2005	(424547)
33	09/23/2005	(445281)
34	09/23/2005	(445282)
35	10/24/2005	(476548)
36	11/21/2005	(476549)
37	12/27/2005	(476550)
38	01/23/2006	(476551)
39	02/27/2006	(476546)
40	03/27/2006	(476547)
41	04/24/2006	(503541)
42	05/23/2006	(503542)
43	06/26/2006	(503543)
44	07/24/2006	(525899)
45	09/29/2006	(525900)
46	10/04/2006	(586192)
47	10/20/2006	(586193)
48	11/30/2006	(586194)
49	01/18/2007	(586195)
50	02/21/2007	(586190)
51	04/20/2007	(586191)
52	02/04/2008	(609871)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date	04/30/2003	(316075)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	06/27/2005	(449417)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			



Description: 30 TAC Chapter 305, SubChapter F 305.125(17)  
NON-RPT VIOS FOR MONIT PER OR PIPE  
Date 01/31/2007 (586190)  
Self Report? YES Classification Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
AMC FACILITIES, LP  
RN101515773**

§ **BEFORE THE**  
§  
§ **TEXAS COMMISSION ON**  
§  
§ **ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2008-0309-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding AMC Facilities, LP ("the Respondent") under the authority of TEX. WATER CODE chs. 5, 7, and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment system located adjacent to and on the east side of Hardy Road, approximately 1,000 feet south of the intersection of Hardy Road and Richey Road in Harris County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 9, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Four Thousand Seven Hundred Seventy Dollars (\$4,770) is assessed by the Commission in settlement of the violations alleged in Section II



("Allegations"). The Respondent has paid Three Thousand Eight Hundred Sixteen Dollars (\$3,816) of the administrative penalty and Nine Hundred Fifty-Four Dollars (\$954) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
  - a. On December 24, 2007, removed 7,000 gallons of sludge from the chlorine contact basin and digester;
  - b. On February 25, 2008, fenced the Facility and posted hazard signs at all entry points; and
  - c. On February 26, 2008, submitted a permit application.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to ensure that the Facility and all of its systems of treatment and control are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012238001, Operational Requirements No. 1, as documented during an investigation conducted November 29, 2007 through December 19, 2007. Specifically, the chlorine contact basin contained six inches of settled sludge.





2. Failed to maintain authorization for the discharge of wastewater, in violation of TEX. WATER CODE § 26.121(a) and 30 TEX. ADMIN. CODE §§ 305.65 and 305.125(2), as documented during an investigation conducted November 29, 2007 through December 19, 2007. Specifically, the Respondent did not renew TPDES Permit No. WQ0012238001 by December 1, 2007, and is continuing to discharge wastewater from the Facility without authorization.
3. Failed to secure the wastewater treatment plant, in violation of 30 TEX. ADMIN. CODE § 317.7(e), as documented during an investigation conducted November 29, 2007 through December 19, 2007. Specifically, the treatment unit was not fenced and did not contain hazard signs at all entry points.
4. Failed to pay outstanding Consolidated Water Quality fees and associated late fees (TCEQ Account No. 23003304) for Fiscal Year 2008, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 21.4(e), as documented in a record review on February 20, 2008.

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: AMC Facilities, LP, Docket No. 2008-0309-MWD-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, until such time that authorization to operate is obtained, or until 180 days after the effective date of this Agreed Order, whichever is earlier, comply with the permit limits in expired TPDES Permit No. WQ0012238001;
  - b. Within 30 days after the effective date of this Agreed Order, pay all outstanding fees, including any associated penalties and interest and with the notation "AMC Facilities, LP – Account No. 23003304," to the address in Ordering Provision No. 1 above;



- c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing; and
- d. Within 180 days after the effective date of this Agreed Order, submit written certification that either authorization to operate has been obtained or that operation has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.



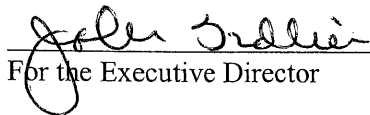
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

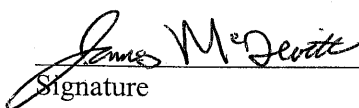
5/21/2008  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

3/20/2008  
Date

James McDevitt  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
AMC Facilities, LP

Chief Operations Officer  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

